

REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested.

Status of the Claims

No new matter is added. Please refer to the May 20, 2008 response for a Listing of the Claims.

Claims 1, 3-42, 44-47, and 49-95 are now pending.

In addition to the arguments set forth in the response dated May 20, 2008, please consider the following.

Objection to the Declaration

The reissue declarations filed October 31, 2001 ("the 10/31/01 Declaration"), August 15, 2002 ("the 8/15/02 Declaration"), and March 10, 2005 ("the 3/10/05 Declaration") are objected to for failing to comply with 37 CFR 1.63. Specifically, the Examiner asserts that the declarations fail to satisfy subsections (a) and (b) of 37 CFR 1.63 (Attached to the previous response as Appendix A, B, and C, respectively).

In the interests of furthering prosecution, Applicants hereby submit executed copies of the USPTO's standard Reissue Application Declaration by the Inventor (PTO/SB/51) to supplement the arguments presented in Applicants' response filed May 20, 2008.

Accordingly, Applicants respectfully submit that the submission of the standardized PTO Reissue Application Declaration by the Inventor (PTO/SB/51) satisfies the requirements enumerated under 37 CFR 1.63. Thus, Applicants respectfully request that the objection to the application for having a defective declaration under 37 CFR 1.63 be withdrawn.

Rejection under 35 U.S.C. §251

Claims 1, 3-42, 44-47, and 49-95 are rejected under 35 U.S.C. §251 for having a defective declaration. Specifically, the Examiner asserts that the 3/10/05 Declaration failed to include a statement that the errors arose without any deceptive intention.

In addition to the submission of the USPTO's standard Reissue Application Declaration by the Inventor (PTO/SB/51), Applicants have incorporated the Examiner's suggested statement regarding the lack of deceptive intent.

Accordingly, Applicants respectfully submit that the adoption of the Examiner's suggested statement regarding the lack of deceptive intention fulfills the requirement stipulated in 35 U.S.C. §251. Thus, Applicants respectfully request that the objection to the application for having a declaration that fails to comply with 37 CFR 1.63 be withdrawn.

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Furthermore, Applicants believe that no fee is required, however, the Commissioner is authorized to charge any deficiency or credit any excess in fee to Deposit Account No. 04-0100.

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Respectfully submitted,

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